

JEFFERSON COUNTY COMMISSIONERS
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LEONARD WORTMAN, CHAIR

DAVE KIRSCH

ROBERT MULLEN

**PROCEEDING OF THE BOARD OF COMMISSIONERS
COUNTY OF JEFFERSON, STATE OF MONTANA
August 5, 2014**

Present: Commissioners Wortman, Kirsch and Mullen; Megan Bullock, County Sanitarian;
Dave Sabo, Beaverhead - Deer Lodge National Forest; Cory Kirsch

MINUTES

Commissioner Wortman moved to approve the minutes of July 22. Commissioner Kirsch seconded. The motion carried.

CORRESPONDENCE

Commissioner Wortman noted the receipt of a request for a proclamation recognizing childhood cancer awareness month.

Commissioner Wortman read a letter from the Mayor of Helena, asking for a representative from Jefferson County to serve on the 10 Mile Watershed committee. This will be put on a future agenda for an appointment.

CALENDAR REVIEW

8/07 Jefferson River Watershed Council meeting - Whitehall - 4:00
8/12 Elected Official/Department Head lunch - 11:30
Meeting with MDT and Forest Service - Boulder - 2:30

COMMISSION REPORTS

Commissioner Mullen reported that all three Commissioners attended the Shooting Star event and presented a proclamation to the Clancy Volunteer Fire Department for their

participation with Camp Mak-A-Dream over the past 17 years or so.

ITEMS FOR COMMISSIONERS' ACTION OR REVIEW

RESOLUTION 26-2014 RESOLUTION PLACING THE QUESTION OF THE CREATION OF THE CLANCY WATER & SEWER DISTRICT ON THE NOVEMBER BALLOT

Commissioner Wortman read the resolution as follows:

RESOLUTION 26-2014

RESOLUTION APPROVING SUBMITTING TO THE QUALIFIED ELECTORATE ON THE NOVEMBER 2014 GENERAL ELECTION BALLOT THE QUESTION OF CREATION OF THE CLANCY WATER AND SEWER DISTRICT

WHEREAS, there having been filed a Petition meeting the requirements of Mont. Code Ann. § 7-13-2204 and seeking the creation of a Water and Sewer District in Clancy, Jefferson County, Montana; and,

WHEREAS, the notice requirements of Mont. Code Ann. § 7-13-2206 for public comment and protest on the creation of the Water and Sewer District having been met; and

WHEREAS, a Public Hearing having been conducted in accordance with Mont. Code Ann. § 7-13-2206, in which the Jefferson County Commissioners accepted written protests (if any), public comment, objections, and support to creation of the Clancy Water and Sewer District; and,

WHEREAS, in accordance with Mont. Code Ann. §7-13-2208, the Jefferson County Commissioners having made a final determination of the boundaries of the Clancy Water and Sewer District, the Jefferson County Commissioners have determined it appropriate to put the issue of creation of the Clancy Water and Sewer District to the qualified electorate on the November, 2014 general election ballot.

NOW THEREFORE, BE IT RESOLVED, the question of creation of the Clancy Water and Sewer District shall be put to a vote of the qualified electorate on the November, 2014, general election ballot and shall place the question as follows:

PROPOSITION

Shall the proposition to organize the Clancy County Water and/or Sewer District under parts 22 and 23 of chapter 13 of Title 7 be adopted?

A petition to create the Clancy County Water and/or Sewer District was presented to the

Jefferson County Commission. Said District petition contained the boundaries of the proposed District, a map showing the boundaries, the District and property included within the proposed district. Said petition was signed by not less than 10% of the registered voters of the territory included in the proposed district.

The Board of County Commissioners of Jefferson County, pursuant to 7-13-2211, Montana Code Annotated, hereby calls for an election on the question of whether to organize the Clancy County Water and/or Sewer District, and places before the qualified electorate the question as follows:

- ☐ **FOR** the proposition to organize Clancy County Water and/or Sewer District under parts 22 and 23 of chapter 13 of Title 7 be adopted?
- ☐ **AGAINST** the proposition to organize Clancy County Water and/or Sewer District under parts 22 and 23 of chapter 13 of Title 7 be adopted?

IT IS FURTHER RESOLVED, notice of the election and conduct the election shall be in accordance with Mont. Code Ann. §§ 7-13-2210 through 2214.

DATED this 5th day of August, 2014.

ATTEST:

BONNIE RAMEY
CLERK AND RECORDER

LEONARD WORTMAN, CHAIR

DAVE KIRSCH, COMMISSIONER

BOB MULLEN, COMMISSIONER

Commissioner Wortman moved to adopt the resolution. Commissioner Mullen seconded. Commissioner Wortman asked if there was any discussion. Megan Bullock, County Sanitarian, stated that she was pleased with the attendance at the public hearing the previous week. She has already submitted names for the board of trustees to the Clerk and Recorder.

The motion carried.

DISCUSS AND DECIDE ON PIPESTONE/JEFFERSON SLOUGH PROJECT ISSUES

Gary Spaeth stated that he saw this item on the agenda and thought he would drop in and see how it is discussed. He stated that the Legislature is less than five months away and progress is being made, but it can seem like pulling teeth at times. There are lots of different views and concerns that have to be meshed together.

Commissioner Wortman stated that Gary works as a lobbyist/consultant for the County and was instrumental in getting project funding from the 2013 legislature. It wasn't enough to finish the project and the legislature is aware that we will need to come back for more funding. We have been working hard to come up with a project that we can turn dirt on, as some legislators weren't interested in funding more studies. We have completed the head gate project on the Jefferson Canal and we have approved funding for construction to remove a diversion structure out of Pipestone Creek and replace it with a sump. Sprinkler irrigation will replace flood irrigation in that area. Next month, Confluence will have a 35% design ready for work on the Capp Ranch. We should be able to start that project this winter, if not before the legislature convenes, at least while they are still there. They will be putting some of the Pipestone Creek back into the original boundaries.

Herb Wanke stated that he noticed that they are trying to come up with things to do with Pipestone Creek to stop the sediment. His idea is to put rocks in the creek and don't try to change the course, which will only stir up more sediment. Rocks would slow down the flow. He asked if they plan to remove existing sediment.

Commissioner Wortman stated that the creek was straightened out so much years ago and that is causing cuts and sediment. Placing rocks in the creek was considered, but it would take a lot of rocks and one of the problems with that is if you put too many rocks in the creek, you are required by federal law to create wetlands somewhere else. The cost of that mitigation would be almost as much as the current project. Confluence came up with several options for mitigation and putting the creek back into its traditional boundaries was the best option and most cost effective.

Gary stated that they have had great ideas from the landowners along the Pipestone and Jefferson Slough. These are taken into consideration. They want to solve the problem the quickest, easiest and cheapest way we can. He would like to complement landowners for their suggestions and special thanks go to Representative Shaw and Senator Keene and agency people as well.

Megan stated that she published the notice for public comment the 23rd of July and she has gotten one letter in response. Also, she heard from DNRC at 5:00 last night and they have another punch list of items, issues with the engineering. The permit was supposed to be issued

tomorrow, now she is not sure what is happening. She has forwarded the new list to Confluence for their input.

DAVE SABO - BEAVERHEAD - DEER LODGE NATIONAL FOREST

Dave Sabo, Forest Ranger for the Beaverhead - Deer Lodge National Forest, stated that the Forest Service was asked by a range permittee about the possibility of putting a cattle guard on county road 424, which is located right off of Interstate 15 at exit 138. Permittees have had a difficult time keeping their livestock on the national forest due to the lack of fence maintenance by adjacent private landowners. This has allowed the cattle to get onto the county road and from there onto the frontage road running parallel with Interstate 15. The Forest Service and the permittees feel that the placement of a cattle guard at the junction of the county road and the frontage road would eliminate this problem.

This spring he had a meeting with Commissioner Wortman, a member of the road crew, the permittee, and his range specialist on site to discuss options. They all agreed that a cattle guard would be a good option and each took away something to work on. Dave stated that he was tasked with contacting the state to see if would pay for and install the cattle guard. He met with Cam Riggs and discussed the need for a 24-foot cattle guard (or two 12-foot), which were estimated to cost \$5,500. The state agreed to provide the cattle guards, but will not be able to install them. He is here today to ask if the county would install them.

Commissioner Wortman stated that he understands that the Forest Service will not spend any money on anything that is not Forest Service property. The issue for him is that the County doesn't have any incentive to participate in this. He asked if the permittees have any fiscal responsibility. Dave stated that they will also need a bypass gate on either side and the permittee would be responsible for that.

Commissioner Wortman asked the other Commissioners for their thoughts. Commissioner Mullen asked who would maintain this in the long term. Dave stated that it would probably be the county, as it is on a county road. Commissioner Wortman stated that we don't maintain or do cattle guards as a rule; they are on county roads, but they are for the benefit of the cattle owners. He hates to see the Commission get into the cattle guard business and he doesn't want to set precedent.

Dave said that he can't make a promise, but he can investigate if the landowners would take care of the maintenance. Commissioner Mullen stated that it would simplify things if they did the installation as well. We haven't installed or maintained any cattle guards on any other roads in the county.

Commissioner Wortman asked Dave if he would ask the permittees if they would be willing to provide some funding for the installation and they maintain; his preference is for them to find a contractor to install. One plus of county installing is that it would be on our road and we could

make sure that it is done properly.

Dave stated that he had one further request. He would like to organize a Jefferson County/ federal entities meeting for sometime this fall. Commissioner Wortman stated that this would be good.

MEETING ADJOURNED

ATTEST:

**BONNIE RAMEY
CLERK AND RECORDER**

LEONARD WORTMAN, CHAIR

DAVE KIRSCH, COMMISSIONER

BOB MULLEN, COMMISSIONER